

WASHTENAW COUNTY BOARD OF COMMISSIONERS  
RESOLUTION SUPPORTING THE UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY (USEPA) DESIGNATION OF THE GELMAN SCIENCES, INC.  
SITE AS A USEPA SUPERFUND SITE & GOVERNOR CONCURRENCE LETTER TO  
USEPA FOR A GELMAN SCIENCES, INC. SUPERFUND SITE

WASHTENAW COUNTY BOARD OF COMMISSIONERS

December 2, 2020

*Sponsored by: Commissioner Morgan*

WHEREAS, the County and its residents have worked for decades to require Gelman to delineate, and clean up City ground water contaminated by 1,4-dioxane ("Dioxane") that originated at the Gelman Sciences ("Gelman") Wagner Road facility (the "Contamination"), and to protect City ground water from further spreading of the Contamination; and

WHEREAS, as part of that work, the City of Ann Arbor sued Gelman in state and federal court more than 10 years ago, and ultimately agreed to settle that lawsuit; and

WHEREAS, the State of Michigan ("State") has for decades separately litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination; and

WHEREAS, following the State's tightening of its standards for Dioxane groundwater pollution, as part of the County's continuing efforts, it, along with the City of Ann Arbor, Scio Township, the Huron River Watershed Council, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court; and

WHEREAS, since its intervention, the County has engaged in settlement negotiations over a potential new consent judgment; and

WHEREAS, negotiations aside, the County is not satisfied with the progress of the delineation, containment and remediation of the Contamination; and

WHEREAS, the County recognizes that the Contamination poses a long-term threat to public health and the security of the City of Ann Arbor municipal water system; and

WHEREAS, in 2017 the United States Environmental Protection Agency (USEPA) completed the Preliminary Assessment and indicated that the Gelman Site was eligible for the National Priorities List (NPL) but a State Concurrence Letter was required to continue the NPL designation process; and

WHEREAS, Washtenaw County believes that delineation, containment and remediation of the Contamination will be bolstered by the USEPA active involvement and

enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the "Superfund" Act, as it applies to the Contamination.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners supports USEPA active involvement, as the lead agency, and enforcement of CERCLA, the "Superfund" Act, as it applies to the Contamination;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners ask the USEPA to list the Gelman Site a "Superfund" Site on the National Priorities List under CERCLA;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners directs the County Administrator to write to the Governor enclosing this resolution and soliciting a Concurrence Letter to USEPA in support of making the Gelman Site into a National Priorities List site;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners direct the County Administrator to send this resolution and any such State Concurrence to the Washtenaw County delegation to the Michigan Legislature, the Director of the Michigan Department of Environment, Great Lakes, and Energy; and Congresswoman Debbie Dingell; and

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorize the County Administrator to take such further actions that are consistent with the purposes of this resolution.

| COMMISSIONER | Y | N | A | COMMISSIONER | Y | N | A | COMMISSIONER | Y | N | A |
|--------------|---|---|---|--------------|---|---|---|--------------|---|---|---|
| Beeman       | X |   |   | LaBarre      | X |   |   | Shink        | X |   |   |
| Brabec       | X |   |   | Maciejewski  | X |   |   |              |   |   |   |
| Jannick      | X |   |   | Morgan       | X |   |   |              |   |   |   |
| Jefferson    | X |   |   | Scott        | X |   |   |              |   |   |   |

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE:

9 0 0

STATE OF MICHIGAN )

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on December 2, 2020, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>ss.</sup>

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 3<sup>rd</sup> day of December, 2020.

LAWRENCE KESTENBAUM, Clerk/Register

BY:

*Patricia L. Ladd*

Deputy Clerk



Res. No. 20-205

